

CHAPTER 254

RELOCATION OF COUNTY SEATS

S. F. 147

AN ACT to amend, revise and codify chapter nineteen (19) of title twelve (12) of the compiled code of Iowa, relating to the relocation of county seats.

Be it enacted by the General Assembly of the State of Iowa:

That chapter nineteen (19) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Relocation of county seats.** Petitions for the reloca-
2 tion of a county seat shall be made to the board of supervisors at its
3 regular June session and not oftener than once in five (5) years.

[C. C. 3370.]

1 **SEC. 2. Petition—requirements.** Said petition may be in different
2 parts and shall be filed with the county auditor at least sixty (60)
3 days before said June session, and shall:

4 1. Designate the city or town at which the petitioners desire to
5 have the county seat relocated.

6 2. Be signed by none but legal voters of the county.

7 3. Contain the section, township and range on which, or the town,
8 precinct or ward if in a city, in which the petitioner resides.

9 4. Give the age and time of residence in the county of such peti-
10 tioner.

11 5. Be accompanied at the time of filing by affidavits of one (1) or
12 more residents of the county, stating:

13 (a) That the signers of the petition were, at the time of signing,
14 legal voters of said county.

15 (b) The number of signers to the petition at the time the affidavit
16 is made.

[C. C. 3371.]

1 **SEC. 3. Time of hearing.** Upon the filing of the petition, the county
2 auditor shall fix a time for the hearing thereon before the board of
3 supervisors, which time shall not be less than sixty (60) nor more
4 than ninety (90) days after the first publication, or after the com-
5 pleted posting, of the notice hereinafter provided for.

[New.]

1 **SEC. 4. Notice.** The county auditor shall forthwith cause a notice
2 of the filing of such petition and of the time of hearing thereon, to
3 be published once each week for three (3) consecutive weeks in a
4 newspaper published in the county; if there be no newspaper pub-
5 lished in the county, the auditor shall cause said notice to be posted
6 in a public place in each township in the county, and also on the door
7 of the courthouse.

[C. C. 3373.]

1 **SEC. 5. Remonstrances.** Remonstrances against such relocation,
2 signed by voters with like qualifications, and in all respects as re-

3 quired of petitioners, and verified in the same manner, may be filed
4 with the auditor ten (10) days prior to the date of hearing as stated
5 in said notice.

[C. C. 3372.]

1 **SEC. 6. Objections—evidence.** Objections to the legal sufficiency
2 of either the petition or remonstrance, or any part thereof, may be
3 filed at any time before the hearing commences. The reception of
4 such objections during the hearing shall be at the discretion of the
5 board. The board may disregard any objection which is not specific,
6 or may require it to be made specific. The board may receive evi-
7 dence with reference to any material fact.

[New.]

1 **SEC. 7. Total rejection of petition or remonstrance.** A petition
2 which fails to distinctly state the city or town at which the petition-
3 ers desire to have the county seat relocated shall be rejected without
4 further investigation; likewise a petition or remonstrance which is
5 not accompanied by the required affidavits.

[New.]

1 **SEC. 8. Canvass.** If the petition is found to be sufficient as pro-
2 vided in the preceding section, the board shall proceed to canvass the
3 same, and also the remonstrance if it is found to be sufficient. In
4 such canvass the board shall proceed as follows:

5 1. It shall strike from both the petition and the remonstrance all
6 names which do not appear therein in the form required by this chap-
7 ter.

8 2. It shall strike from both the petition and the remonstrance the
9 names of all persons shown not to have been legal voters of the
10 county at the time of signing.

11 3. It shall also strike from the petition and remonstrance all
12 names not placed thereon within sixty (60) days next preceding the
13 filing of the petition or remonstrance.

14 4. It shall, after the foregoing has been determined, strike from
15 the petition all names that appear on both petition and remonstrance.

[C. C. 3374, modified.]

1 **SEC. 9. Election called.** If the petition shows, after all names have
2 been stricken as hereinbefore required, that it has been signed by
3 legal voters equal to at least one-half ($\frac{1}{2}$) of all legal voters of the
4 county as shown by the last state or federal census, and that such
5 number of voters so signing exceeds the number of voters who have,
6 after all names have been stricken as required, signed the remon-
7 strance, then the board shall order the proposition submitted to a vote
8 of the people.

[C. C. 3374.]

1 **SEC. 10. Submission of question.** The proposal to relocate a
2 county seat shall be submitted at the general election held in the year
3 in which the order is made, if there be sufficient time in which to give
4 the notice hereinafter required. If there be not sufficient time, and
5 in those cases where no general election is held in the year in which
6 the order is made, the board shall submit such proposition at a special
7 election to be called by the board.

[C. C. 3374, modified.]

1 **SEC. 11. Notice of election.** The county auditor shall cause notice
 2 of such election to be posted in three (3) public places in each town-
 3 ship, at least fifty (50) days before the day of election, and shall
 4 also cause said notice to be published in some newspaper published in
 5 the county and of general circulation therein, if there be one (1)
 6 published in the county, once each week for four (4) consecutive
 7 weeks, the last of which publications shall be at least twenty (20)
 8 days before said election.

[C. C. 3374, modified.]

1 **SEC. 12. Conduct of election—form of proposition.** The election
 2 shall be conducted as elections for county officers are conducted. The
 3 question shall be submitted in the following form: ☐ Yes
 4 Shall the proposition to change the county seat to ☐
 5 (naming the town or city to which the change is ☐ No
 6 proposed) be adopted?

[C. C. 3375]

1 **SEC. 13. Vote necessary to remove.** The board shall make a record
 2 of the total vote cast for and against the proposition. If a majority
 3 of all the votes cast be in favor of the proposition, the board shall,
 4 except as declared in the next section, declare the county seat re-
 5 moved accordingly, and shall, as soon as practicable, proceed to re-
 6 move the county records to the new location.

[C. C. 3376.]

1 **SEC. 14. Removal in certain cases.** Where a county seat has been
 2 located continuously in one city or town for forty (40) years or more,
 3 and the proposal is to relocate such county seat in another city or
 4 town, the corporate limits of which are more than a mile from the
 5 corporate limits of the present county seat, such proposition shall not
 6 be deemed carried, and the county records shall not be removed to
 7 the new county seat unless two-thirds (2/3) of all the votes cast be
 8 in favor of such proposed removal.

[C. C. 3374, 3376.]

1 **SEC. 15. Records—time of removal—place of holding court.** If the
 2 proposition to relocate be carried, the board of supervisors may per-
 3 mit the county records to remain at the old county seat, and the dis-
 4 trict court may continue to hold its sessions thereat until such time
 5 as a new courthouse is built and equipped at the new county seat.

[New.]

1 **SEC. 16. Proof of service.** Proof of the giving of notices required
 2 by this chapter shall be made as provided in case of original notices.

[New.]

Approved March 22, A. D. 1923.